

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLAUDIA ARIAS, an individual,

Plaintiff,

V.

STATE OF WASHINGTON – UNIVERSITY OF WASHINGTON TACOMA (“UWT”), a state educational institute; VERN HARNER, officially and individually; CLAUDIA SELLMAIER, officially and individually; ANDREA HILL, officially and individually; KEVA MILLER, officially and individually; and ELAVIE NDURA, officially and individually,

Defendants.

CASE NO.

NOTICE OF REMOVAL

(Pierce County Superior Court
Case No. 25-2-05374-7)

TO: Clerk, United States District Court for the Western District of Washington;

AND TO: Plaintiff, and her Attorney of Record

Defendants University of Washington, Vern Harner, Claudia Sellmaier, Andrea Hill, and Keva Miller, with the consent of co-Defendant Elavie Ndura, remove this case, originally filed in the Superior Court of the State of Washington for Pierce County under case number 25-2-05374-7 (the “Present Action”), to the United States District Court for the Western District of Washington.

**NOTICE OF REMOVAL - 1
CASE NO.**

SUMMIT LAW GROUP, PLLC
315 FIFTH AVENUE SOUTH, SUITE 1000
SEATTLE, WASHINGTON 98104-2682
Telephone 206.676.7000
Fax 206.676.7001

1 Nothing in this Notice of Removal shall be interpreted as a waiver or relinquishment of
 2 Defendants' right to assert any defense. Defendants reserve the right to assert all applicable claims
 3 and defenses in response to the Complaint.

4 **I. THE COURT HAS FEDERAL QUESTION JURISDICTION**

5 1. Plaintiff Claudia Arias first filed this lawsuit in Pierce County Superior Court on
 6 January 13, 2025.

7 2. Plaintiff asserts ten causes of action against Defendants, four of which are federal
 8 claims based on the First Amendment and Due Process. **Ex. A**

9 3. The Present Action thus is a civil action involving claims for relief arising under
 10 the laws of the United States and is removable under 28 U.S.C. §§ 1331, 1367, 1441(a), and 1446.

11 4. The remaining claims against Defendants are within this Court's supplemental
 12 jurisdiction pursuant to 28 U.S.C. § 1367(a), because they are so related to the claims that are
 13 within this Court's original jurisdiction that they form part of the same case or controversy under
 14 Article III of the United States Constitution.

15 **II. REMOVAL IS TIMELY**

16 5. Plaintiff filed the Present Action in the Superior Court of the State of Washington
 17 for Pierce County on January 13, 2025, under case number Case No. 25-2-05374-7.

18 6. Defendant Harner has yet to be served in this matter.

19 7. Defendant Sellmaier was served on January 22, 2025.

20 8. Defendant Hill has yet to be served in this matter.

21 9. Defendant Miller was served on January 18, 2025.

22 10. Defendant Ndura accepted service via her counsel on January 22, 2025.

23 11. Defendant University of Washington was served on January 14, 2025.

24 12. The notice of removal is timely under 28 U.S.C. § 1446(b)(1) as each Defendant
 25 has 30 days after receipt by or service of the initial pleading to file the notice of removal.

26
 NOTICE OF REMOVAL - 2
 CASE NO. _____

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III. DEFENDANTS HAVE SATISFIED ALL PROCEDURAL REQUIREMENTS

13. The United States District Court for the Western District of Washington is the federal judicial district embracing Pierce County Superior Court, where Plaintiff filed the Present Action. 28 U.S.C. § 128(b). Tacoma is the proper division for the matter.

14. In compliance with Local Civil Rule 101(b), a copy of the Complaint is attached to this Notice of Removal. Plaintiff did not separately file a Jury Demand.

15. In compliance with Local Civil Rule 101(c) and 28 U.S.C. § 1446(a), Defendants will separately file a Verification of State Court Records and Proceedings, enclosing copies of all documents filed in the Present Action in Pierce County Superior Court, including all process, pleadings, and orders served on Defendants in this Present Action.

16. In compliance with 28 U.S.C. § 1446(b)(2)(A), all Defendants consent to removal. Defendant Ndura's consent is evidenced by the consent statement executed by her attorneys (Brian Augenthaler and Audrey Airut Murphy of Keating Bucklin & McCormack, Inc., P.S) below.

17. Promptly after filing this Notice of Removal, Defendants will give written notice to Plaintiff's counsel and will file a copy of this Notice with the Clerk of the Pierce County Superior Court, as required by 28 U.S.C. § 1446(d).

18. The removal of this Present Action terminates all potential proceedings in Pierce County Superior Court. *See* 28 U.S.C. § 1446(d).

Defendants respectfully give notice that the above-entitled action is removed from the Pierce County Superior Court to the United States District Court for the Western District of Washington at Tacoma.

1 DATED this 3rd day of February, 2025.

2 Respectfully submitted,

3 SUMMIT LAW GROUP, PLLC
4 Attorneys for University of Washington Tacoma,
5 Vern Harner, Claudia Sellmaier, Andrea Hill, and
Keva Miller

6 By s/ Seth J. Berntsen
7 Seth J. Berntsen, WSBA No. 30379
sethb@summitlaw.com

8 By s/ Rebecca R. Singleton
9 Rebecca R. Singleton, WSBA No. 57719
rebeccas@summitlaw.com

10 **IV. CO-DEFENDANT'S CONSENT TO REMOVAL**

12 Defendant Elavie Ndura hereby consents to removal.

14 KEATING, BUCKLIN & McCORMACK
15 Attorneys for Elavie Ndura

16 By s/ Brian Augenthaler (with permission)
17 Brian Augenthaler, WSBA No. 44022
baugenthaler@kbmlawyers.com

18 By s/ Audrey M. Airut Murphy (with permission)
19 Audrey M. Airut Murphy, WSBA No. 56833
amurphy@kbmlawyers.com

CERTIFICATE OF SERVICE

I hereby certify that on this day I caused a true and correct copy of the foregoing NOTICE OF REMOVAL to be served, as indicated, upon the following CM/ECF participants:

Joan K. Mell
III Branches Law, PLLC
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- US Mail, First Class
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- US Mail, First Class
- By Legal Messenger
- Via Email
- Via CM/ECF

DATED this 3rd day of February, 2025.

s/Dominique Barrientes

Dominique Barrientes, Legal Assistant
dominiqueb@summitlaw.com